IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No. 3053 of 1992

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BIHARILAL KANAIYALAL
Versus
STATE OF GUJARAT AND OTHERS

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Appearance :
MR TUSHAR MEHTA for Applicant.
MR PRADIP BHATE, APP for Respondent No. 1.
MR ND NANAVATI for Respondent No. 2.
None for Respondent No. 3.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 21/02/2006

ORAL JUDGMENT

By filing this application, the applicant has prayed that F.I.R. lodged by respondent No.2, which is registered as I-C.R.No.60/1992 at Shaher Kotda Police Station, Ahmedabad, may be quashed.

Mr.Mehta, learned advocate for the applicant submitted that said complaint is filed under Section 406 of the Indian Penal Code on the ground that the applicant was a director of the company and the company has not paid some installments of provident fund amount. The matter is pending before this Court at police investigation stage since 1992.

Mr.Bhate, learned APP on instructions, submitted that the complaint is investigated and charge sheet is filed and now the matter is pending before the competent Court.

As the complaint is investigated, now there is no question of quashing F.I.R. and the appropriate course available to the applicant now is to challenge the proceedings pending before the concerned Court, if at all any such proceedings are pending.

In order to take appropriate recourse as available under the per law, Mr.Mehta is not pressing this application as it has become infructuous and he seeks permission to withdraw this application with a liberty to challenge the proceedings pending before concerned Court.

Permission is granted. Accordingly, this application is disposed of as withdrawn with a liberty as aforesaid. Rule is discharged. Since interim relief is in operation since long, the same is ordered to be extended upto 1st March, 2006 so that if the applicant wants to take out fresh proceedings he can do so.

(P.B.MAJMUDAR, J.)

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